



**Ms. Marlene H. Dortch**

Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20445

April 14, 2007

**Re: MB Docket No. 07-57**

Dear Ms. Dortch:

As an individual consumer and avid radio listener, I ask the FCC to please keep an open mind when deciding the proposed merger of XM and Sirius and approve the merger. For full disclosure, I choose not to be a subscriber at this time, but I am a Sirius stockholder.

Satellite Radio's true and significant competition is not between XM and Sirius, but rather with the major broadcast Radio companies, the Internet and other media content providers. The proposed merger does not reduce competition nor create a monopoly in local radio markets but rather provides greater consumer Radio content choices and competition.

Similar to Cable TV content providers, Satellite Radio (S/R) provides consumers with numerous alternative choices and commercial free content not available on free Radio. Pay TV providers (Cable, Satellite & now Fiber Optic) are alternatives to public broadcast TV and have true service and price competition as they provide service and access to public & private content, but do not create it. (ex. ABC, NBC, CBS, PBS, CNN, FOX, HBO, Showtime, etc, etc). Consumers can switch between public and Pay TV service providers for better content, pricing and/or services while getting all the same (+/-) desired content on the consumer's common TV units.

Not so with XM & Sirius however, which provide exclusive content on exclusive units. The current business models and delivery infrastructures of XM & Sirius, however, create greater **consumer disadvantage**, provide limited choices and potentially greater expense to avid radio consumers in comparison to current TV Service content and choices.

- ✓ Even though radio consumers choose to pay for exclusive content, the choices are limited and full of constraints.
- ✓ Most Car manufacturers now have exclusive deals with XM or Sirius, not both. Consumers buy one car vs. another and may then need to purchase a separate S/R car kit for service of their choice.
- ✓ Consumers, who can afford to, may purchase both services to get desired shows exclusive to each provider. Those who cannot or do not want the significant cost and inconvenience of two services (& units) are left out.
  - Howard Stern and NFL games are on Sirius, but not XM
  - Opra and MLB games are on XM, but not Sirius
  - Some consumers cannot afford both and "settle" for one.
  - Some consumers cannot afford or, do not want both and are waiting on the outcome of the pending merger.
  - Some consumers can afford both but are greatly inconvenienced with carrying multiple units and dealing with multiple subscriptions.

The proposed merger of XM and Sirius does not create a monopoly. It provides more consumer choices, a more economical pay and commercial free alternative to free radio and greater flexibility of use to Internet radio.

Please see the true benefit to the consumers and vote yes to the XM & Sirius merger!

Thank You.  
Sincerely,

Paul Cacioppo